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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/243,269	02/03/1999	HELENA G. KOAY	L0012/7006	2256

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EXAMINER

KWOH, JASPER C

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 02/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/243,269

Applicant(s)

KOAY, HELENA G.

Examiner

Jasper Kwoh

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 November 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 28-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 28-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/1/02 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the alarm processing system must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 28-52 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 28 recites the limitation "the network link" in line 11. There is insufficient antecedent basis for this limitation in the claim.

5. Claim 48 recites the limitation "the network link" in line 8. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 28-29, 33-44, and 48-50 rejected under 35 U.S.C. 102(e) as being anticipated by Liang et al. (US 5,732,086).

Regarding claim 28 and 48, Liang et al. discloses a method and network comprising at least two network devices (i.e. fig. 1, at least 9 network devices); and at least one controller including detecting network modification (i.e. 2, 22, 23, states for adjusting and updating); causing one network device to transmit a first port ID message to a successive network device including one network device's perception of the link (i.e. col. 5, ll. 34-43, the port transmits including identifier of the link port of the sender and the identifier of the destination); receiving a second port ID message from the successive network device including the successive network's device's perception of the link (i.e. col. 5, ll. 44-54, acknowledgement is received including link port of the neighbor and send link and destination fields are included); compare the perceptions; and update if perception does not agree (i.e. col. 7, ll. 1-5, col. 8, ll. 3-23, the received

information is used to update the table including the situation just as adjusting state where the changes are merged, is no changes then stable state and nothing is changed).

Regarding claims 29, 33-44 and 49-50, Liang et al. discloses the network devices comprises ports (i.e. fig. 1, every node has 4 ports), controller is incorporated in the devices (i.e. fig. 2, 22,23 are in the device), nodes are neighbors (i.e. fig. 1, ports are connected to neighboring ports so the devices are neighboring devices), device identity is part of the perception (i.e. col. 5, ll. 55-58, same 5 fields are send between the ports), one device is substantially at the beginning of the path and the other substantially at the end (i.e. fig. 1, one port is one end the other port at the other end), network modification includes addition of device and reconfiguration of link (i.e. fig. 4, state, machine shows this functions with addition of device as well as changes in the link such as due to failure), and develop a network map (i.e. fig. 2, 26, topology table is developed and maintained).

***Claim Rejections - 35 USC § 103***

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claims 30-32, 45, 47 and 52 rejected under 35 U.S.C. 103(a) as being unpatentable over Liang et al in view of Lu (US005815490A).

Liang et al. does not specifically disclose that the network is a bi-directional ring wherein the system includes SONET ports, SDH ports and optical paths, and network mapping is used to configure bandwidth. However, Lu teaches that the network is a bi-

directional ring (i.e. fig. 5) wherein the system includes SONET ports, SDH ports and optical paths (i.e. fig. 5, is an optical SDH ring which is also applicable to the north American version SONET col. 1, ll. 39-40), and network mapping is used to configure bandwidth (i.e. the map is use to control the traffic pattern that results is efficient bandwidth allocation as summarized in col. 19, ll. 19-21). Therefore, it would have been obvious to an ordinary person skilled in the art at the time of the invention to include the network is a bi-directional ring wherein the system includes SONET ports, SDH ports and optical paths, and network mapping is used to configure bandwidth as taught by Lu with the network of Liang et al. in order to increase allow the use of the update procedure in a desired optical network and increase the more economical use of the links.

10. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liang et al. in view of Yamasaki et al. (US005909175A).

Liang et al does not specifically disclose an alarm processing system including rerouting communication resulting from the alarm. However, Yamasaki et al. teaches to monitor the alarm and changes the path (i.e. fig. 3, col. 9, ll. 8-10, depending on the alarm a different path is used).

11. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liang et al. in view of Frey et al. (US005982783A).

12. Liang does not specifically disclose that the protocol used between the ports is LAPD. However, Frey et al. teaches that LAPD is a standard protocol (i.e. col. 4, ll. 19-23 ISO OSI link layer 2 protocol for packet bus). Therefore, it would have been obvious

to an ordinary person skilled in the art at the time of the invention to include using LAPD with the method of Liang et al. in order to ensure data integrity during transport.

***Response to Arguments***

13. Applicant's arguments with respect to claims 28-52 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***


14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Iida et al. (US005590117A) is cited to show a node information collecting method in a ring system;
- b. George et al. (US 4,644,532) is cited to show an automatic update topology in a hybrid network;
- c. Sun Microsystems, inc. (EP000773649A2) is cited to show a network topology management system;
- d. IBM (EP0221360A2) is cited to show a digital data message transmission networks and the establishment of communications paths therein.
- e. Coan et al. is cited to show using distributed topology update and preplanned configurations to achieve trunk network survivability.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasper Kwoh whose telephone number is (703) 305-0101. The examiner can normally be reached on Monday-Friday.

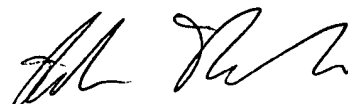
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703)308-5340. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.



JK  
February 10, 2003

Jasper Kwok  
Examiner  
Art Unit 2663



MELVIN MARCELO  
PRIMARY EXAMINER